



# Inspection of the Children and Family Court Advisory Support Service (Cafcass) 2009–12

A report on the responses to consultation

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Between September and December 2008, Ofsted formally sought views on our proposals for the future inspection of the Children and Family Court Advisory Support Service (Cafcass).

This is a single agency which covers the 21 court areas of England.

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**Age group:** All

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## Introduction

Between September and December 2008, Ofsted formally sought views on our proposals for the future inspection of the Children and Family Court Advisory Support Service (Cafcass). This report gives the results of the consultation and incorporates lessons learned from three pilot inspections of Cafcass.

## Background to the consultation

Ofsted's vision is to raise standards and improve lives. We inspect and regulate to achieve excellence in the care of children and young people. In our strategic plan for 2007–10 we set out our intention to ensure that all Ofsted inspections have sufficient impact on outcomes for children. We also said that one of our priorities was to make inspection more coherent, rigorous and proportionate.

1. In April 2007, Ofsted became responsible for the inspection of Cafcass. This is a single agency which covers the 21 court areas of England. Cafcass provides a social work service to children and families who are involved in family proceedings and where the welfare of children is, or may be, in question. The inspections of Cafcass are an important area of Ofsted's work.
2. Our proposals for changes in the inspection of Cafcass, which were set out in the consultation document, are intended to ensure that inspections do more to drive improvement; take greater account of the needs of the service and its users; target resources where they will have the greatest impact on outcomes for children; and use our resources as efficiently as possible.
3. In April 2008, Cafcass introduced a new structure to deliver better services to children and families involved in public and private law proceedings in the family court. Twenty-one new service areas were set up across the country. These will soon be extended to 23 service areas to reflect operational need. Ofsted's proposals for the inspection of Cafcass also sought to ensure that our programme took sufficient account of this reorganisation.
4. The consultation therefore sought respondents' views on a number of areas including:
  - how often we should inspect the new Cafcass service areas, particularly those found to be inadequate
  - the approach we should take in publishing reports, including how quickly they are made available to members of the public

- how the findings of Cafcass reports on service areas might inform the new Comprehensive Area Assessments of the localities concerned.<sup>1</sup>

## The consultation

We consulted with users, providers and stakeholders on these issues for 12 weeks from 8 September to 1 December 2008. As part of the consultation we sent letters to stakeholder groups drawing attention to our consultation proposals (the full list can be seen in Annex 2).

The consultation included a number of different consultation methods:

- an online consultation, which was launched on the Ofsted website and available to complete online by any members of the public
- focus groups in September 2008 with two organisations that represent users of Cafcass: Families Need Fathers and the Cafcass Children and Young People's Board.

Respondents to the online consultation were given a choice of completing the consultation form electronically or printing it off and returning it as hard copy. We made arrangements for the consultation to be available in a different language or in a different format such as Braille, although no such requests were received.

We received detailed written submissions from the following organisations:

- Family Justice Council
- The Trade Union and Professional Association for Family Court and Probation Staff (NAPO).

These responses were analysed and included as part of the findings of the consultation.

This consultation was informed by initial consultation with the Cafcass Sponsorship Unit at the Department for Children, Schools and Families.

## Key findings

We received 21 returns in total to the online consultation. Although this was a disappointingly low response rate, the range of participants represents an appropriate cross-section of Cafcass service users and stakeholders. At least seven of the responses were from groups representing large numbers of people (up to 1,000).

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<sup>1</sup> Comprehensive Area Assessment is a new assessment arrangement that draws together information to show residents how they are being served by their local public services. It will give a clear and impartial assessment of how successfully local organisations are working together to improve the quality of life in their areas.

We also extended the deadline for some participants (NAPO) at their specific request. The detailed breakdown of respondents is in Annex 2.

There were no considerable differences between the responses received from the focus group or via the online consultation, although the focus groups were keen to ensure that the views of their particular group, children and young people subject to court proceedings, and parents seeking greater access rights to their children, would be properly represented.

The key findings are that:

- Ten of the respondents agreed and five strongly agreed with the proposed changes to inspection of Cafcass's new service areas. Positive comments were generally received in support of:
  - shorter notice of inspection
  - focused pre-inspection planning based on self-evaluation by the service area
  - targeted on-site fieldwork of one week, including input from children, young people and parents
  - a streamlined post-inspection process, with a final report published on the Ofsted website approximately three weeks after inspection
- Nine respondents agreed and four strongly agreed that the new framework could adequately capture and report a sufficiently wide range of views during inspection. However, there was some disagreement (two respondents disagreed and three strongly disagreed), mainly from Cafcass workers, as to whether the time allocated to this would be enough and whether inspectors would be able to consider the views of the judiciary and Cafcass staff, as well as those of service users.
- Four respondents agreed and 15 strongly agreed that inadequate services should receive additional and more vigorous monitoring on a more frequent basis. None of the respondents disagreed or strongly disagreed with this proposal. Nearly all the respondents suggested that more regular monitoring of service areas, until weaknesses were addressed, would be a powerful tool for service improvement. The children and young people's focus group was particularly keen to ensure that all young people received a quality service from all Cafcass areas, no matter where they lived.
- Seventeen respondents either agreed or strongly agreed that Cafcass inspections should include a focus on how the service has contributed to improving outcomes for children, with the greatest weighting given to staying safe.
- Seventeen respondents also agreed or strongly agreed that the monitoring letters setting out the progress that Cafcass is making towards bringing about improvements in areas that are inadequate should be available on the Ofsted

website. The rapid publication of reports and letters approximately three weeks after inspection was agreed by all but one of the respondents.

- Eight respondents agreed and a further eight strongly agreed that Cafcass inspections should be used as an additional source of evidence to inform the wider assessment known as Comprehensive Area Assessment.

The full results of the returns are detailed in Annex 1.

The participants were able to provide additional comments to all the questions if they so wished. These results are discussed in Annex 1, together with the findings from our focus groups with Families Need Fathers and the Cafcass Children and Young People's Board.

We also include information from the detailed responses of NAPO and the Family Justice Council.

## What Ofsted intends to do next

5. We are heartened by this evidence of support from most participants in this consultation for the proposed changes to the arrangements for inspecting Cafcass. The findings of this consultation are an important contribution to the evaluation of our proposals.
6. As a result of this consultation Ofsted will undertake the following.
  - Strengthen the inspection framework. Ofsted has strengthened the inspection framework in response to the consultation and to ensure consistency with other Ofsted frameworks. The pilot inspections showed that the timescale for inspection was insufficient to allow appropriate engagement with users, particularly children and young people, to share their views with inspectors on the quality of service and outcomes for children. As a result the timeline has been adjusted. This will include, where appropriate, more face-to-face meetings with representative groups and individuals.
  - Develop more creative channels of communication with inspectors. Ofsted is exploring ways to further develop new channels of communication for service users, building on the recent development to enable adults and children to complete inspection surveys online.
  - Strengthen the inspection methodology. Subject to further modifications as a result of these discussions and the pilot inspections, we intend to amend the Cafcass inspection process as follows.
    - Shorter two-week notice of inspection – reduced from the four weeks' notice given for the first pilots.
    - An additional focused pre-inspection planning meeting with the service area.

- An extension to the time period of the inspection from eight to 11 weeks.
- Targeted on-site fieldwork of one week, including input from children, young people and parents.
- A streamlined post-inspection process, with a final report published on the Ofsted website approximately three weeks after inspection.
- Further pilots of the new methodology. Ofsted has carried out additional pilot inspections, trialling some of the changes proposed above until July 2009, to inform future decisions and evaluate their outcomes and effectiveness.
- Carry out further consultation. Ofsted has extended the face-to-face consultation with interested stakeholder groups, as we were conscious that there was a relatively low level of return from some groups in the online consultation. Further focus group meetings with a wider group of stakeholders were undertaken. For example, a meeting in June with the Family Court Unions Cross-Party Group to discuss the Cafcass inspection framework in light of issues raised in the NAPO consultation response.
- Introduce the new inspection programme. We expect that the new arrangements for the inspection of Cafcass will commence from September 2009, although this date is yet to be confirmed. The first round of inspections will provide a baseline for future inspection of Cafcass.



## Annex 1. Summary table of results from online and hard copy responses

Consultation on changes to the arrangements for inspecting Cafcass Sept 2008	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	No answer
Q1. Do you agree that the changes proposed will provide users of Cafcass services with up-to-date information in a timely way?	5	10	4	1	1	0
Q2. Is it appropriate to inspect Cafcass service areas on a more regular basis (at least once every three years) by using the streamlined process outlined in the consultation document?	10	8	1	2	0	0
Q3. Do you agree that inadequate services should receive additional and rigorous monitoring on a more frequent basis?	15	4	2	0	0	0
Q4. Do you agree that letters setting out the progress Cafcass is making towards bringing about improvements in areas that are inadequate should be available on the Ofsted website?	12	5	2	1	1	0
Q5. Do you agree that publication arrangements for Cafcass reports should be brought into line with those of other services?	11	9	0	0	1	0
Q6. Do you agree that the identification of which service areas should be inspected (and when) should be based on a risk assessment of key indicators such as those suggested in the consultation document?	7	9	3	0	2	0
Q7. Do you agree that the activities described in the consultation document provide sufficient opportunities for service users' and stakeholders' views to be captured during an inspection?	4	9	3	2	3	0
Q8. Do you agree that the headings of the proposed new framework described in Appendix A of the consultation document provide an adequate framework for all views to be captured and reported on during an inspection?	1	10	6	2	2	0
Q9. Do you agree that all Cafcass inspections should include a focus on how the service has contributed to improving outcomes for children, with the greatest weighting being given to staying safe?	11	6	3	0	1	0

Q10. Do you agree that Cafcass inspections should be used as an additional source of evidence to inform the wider assessment of local services known as the Comprehensive Area Assessment?	8	8	0	1	3	1
What did you think of this consultation?						
a) I found the consultation information clear and easy to understand	3	14	0	1	2	1
b) I had enough information about the consultation topic	3	12	1	3	1	1
c) I would take part in a future Ofsted consultation	7	11	1	1	0	1

## Discussion of the comments and detailed responses

The participants in the online consultation were able to provide additional comments to all the questions, if they wished. Below is a summary of these, together with the findings from our face-to-face focus group consultations with Families Need Fathers and the Cafcass Children and Young People's Board.

We also include information from the detailed responses of NAPO and the Family Justice Council.

## Timing and regularity of inspection

Most of the respondents' comments on timing were in agreement with the proposed changes of:

- shortened notice of inspection
- focused pre-inspection planning based on self-evaluation by the service area
- targeted on-site fieldwork of one week, including input from children, young people and parents
- a streamlined post-inspection process, with a final report published on the Ofsted website approximately three weeks after inspection.

There was a general consensus among respondents that regular inspection was a valuable part of the accountability structures required of all public services.

## Monitoring of inadequate provision

On the issue of services found to be inadequate receiving additional and more rigorous monitoring on a more frequent basis, there was mostly strong support, including from children and young people. There was some concern from respondents, particularly service users, about the issues of domestic violence and

child abuse and the need for Cafcass to improve if found inadequate in these areas. More regular monitoring was felt to support improvement in these key areas.

## **Publication arrangements**

There was strong support from participants for the publication of letters setting out the progress that Cafcass is making towards bringing about improvements in areas that are inadequate. Children and young people agreed that there should be public accountability. Service users more generally felt that they should be able to see what changes were being implemented and what impact this was having in bringing about more rapid improvement over time.

Some respondents suggested that this information should also be made available on the Cafcass website, as most parents would look at these as a first point of reference. There was strong support from the web-based responses that Cafcass reports should be brought into line with those of other services. There was also support from children and young people for this proposal. There were some individual concerns about the need to capture equality issues, including racism, sexism and disability, including mental health, in Cafcass's work. These areas have been strengthened in the framework revisions following the pilot inspections.

## **Risk assessment**

Most respondents supported the proposal that the scheduling of Cafcass service area inspections should be based on a risk assessment, which should include key indicators of available performance information. Children and young people particularly supported this approach.

## **Views of users and stakeholders and their place within the framework for inspection**

There was some support that the proposed activities would provide sufficient opportunities for service users' and stakeholders' views to be captured during an inspection. Children and young people agreed that their views would be captured, but a number of parents expressed concerns that not enough time was available to ensure that their views of Cafcass service levels could be gauged. This concern has been addressed by an extension to the time period of the inspection from eight to 11 weeks to enable their views to be fully analysed. There was overall support, including among children and young people, for the headings of the proposed new framework being an adequate structure for all views to be reported on following an inspection.

## **Focus on children**

There was strong support for the proposal that all Cafcass inspections should include a focus on how the service has contributed to improving outcomes for children, with the greatest weighting being given to staying safe. Children and young people supported this proposal and felt that, of the five Every Child Matters outcomes, the

greatest weight should be given to safeguarding. There was a strong consensus that if children were not felt to be safe, the other outcomes could not be demonstrated.

## **Contribution to wider inspections**

Most respondents supported the proposal that Cafcass inspections should be used as an additional source of evidence to inform the wider assessment of local services, known as the Comprehensive Area Assessment. Children and young people particularly supported this proposal, as they felt that it was important for people to be aware of how Cafcass in their area compares to Cafcass nationally.

## **General comments on the consultation**

The respondents made some general comments on the consultation. Most who completed the online form agreed that the consultation was clear and easy to understand and that they had enough information about the consultation topic. Eighteen of the 21 respondents said they would be happy to take part in a future Ofsted consultation.

There was some concern that the selection of stakeholders sent the consultation should have been wider and that the views of staff groups had not been captured sufficiently. As indicated previously, Ofsted has addressed this through an extended consultation with a wider group of stakeholders, including those representing the views of Cafcass's staff.

## Annex 2. Consultation circulation and respondent list

### List of stakeholders invited to respond

- Association of Directors of Children's Services
- Families Need Fathers
- National Association of Child Contact Centres
- Women's Aid
- Sir Mark Potter, President of the Family Division
- Family Justice Council
- Fatherhood Institute
- 11 Million
- Local Government Association
- Audit Commission
- National Society for the Prevention of Cruelty to Children
- Barnardos
- NCB Children's Society
- National Children's Homes
- Refuge
- Relate
- Grandparents' Association
- Children's Legal Centre
- Equality and Human Rights Commission

### Details of respondents

The responses consisted of 16 online responses and five hard-copy returns. These included responses from:

- parents (7)
- voluntary organisations (6):
  - Families Need Fathers
  - Grandparents' Association
  - Mothers for Justice
  - National Association of Child Contact Centres
  - National Society for the Prevention of Cruelty to Children
  - National Youth Advocacy Service
- a supported child contact centre charity
- Cafcass employees (3)
- other government organisations:
  - one local authority
  - Audit Commission

■ other organisations:

- Association of School and College Leaders
- Third sector – a Cafcass provider.

Sixteen of the respondents to the online consultation were women. Three of the responses came from men, while two respondents preferred not to state their gender. The largest age group to provide responses was the 35–44 years group, which provided eight responses.

Despite some imbalance, Ofsted sought views as widely as possible. For example, the views of fathers were carefully addressed in the September 2008 focus group meeting with Families Need Fathers. Nonetheless, the planned additional focus meetings will strive to seek further views from under-represented groups.